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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/251,998	02/19/1999	RICHARD BAXTER HULL	5-4-1-4	3940

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EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 03/20/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/251,998

Applicant(s)

HULL ET AL.

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1 – 21 are presented for examination.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The limitation of the claim appears to be contradictory. The limitation states, that determining that a particular task is unneeded for processing of the object based at least in part on partial evaluation of an enabling condition of a second task, wherein said second task's enabling condition depends on one or more outputs of said particular task.

4. Assuming, (arguendo), that first the particular task executes and generates an output the second task is executes and finds that the second task does not need the particular task, yet the second task's enabling condition depends on one or more outputs of the particular task. It seems trivial that it is determined that the particular task is unneeded because the particular task is already completed and the determination of whether or not the second task needs or does not need the particular task would have no effect on the particular task. Furthermore, it would not have an effect on the second task because in the second part of the claim it states that "wherein said second task's enabling condition depends on one or more outputs of said particular task," making one believe that the particular task is needed or unneeded is inconsequential because

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after the particular task is finished and produces one or more outputs, the second task will run and utilize the outputs of the particular task regardless of it's condition.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoenninger et al. U.S. Patent No. 6260058 (hereinafter Hoenninger).

6. A method for operation of a workflow system for processing an object by executing a plurality of tasks, one or more of said tasks each having one or more associated enabling conditions indicating whether the task is to be executed for said object, (e.g. col. 6, lines 33 – 64), and wherein execution of at least one of said tasks results in initiation of a side-effect action performed by a component external to said workflow system, said method comprising the steps of, (e.g. col. 9, line 49 – col. 10, line 31 & col. 5, line 50 – col. 6, line 10):

7. determining whether a task is eligible for eager execution by considering at least (1) a state of the task and (2) whether execution of the task results in the initiation of a side-effect action, (e.g. col. 10, line 66 – col. 11, line 24); and

8. executing the task using eager execution if the task is determined to be eligible for eager execution, (e.g. col. 10, line 66 – col. 11, line 65 & col. 5, line 50 – col. 6, line 10).

9. Claim 12 is rejected for similar reasons as stated above.

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10. Claims 2 – 11 and 13 – 21 that were rejected from the last office action are still respectfully maintained.

11. In the remarks, Applicants argued the substance that states that Hoenninger does not teaches or suggest that (1) as it relates to determining whether a task should be eagerly executed with emphasis on “eager” execution.

12. As to part 1, Examiner would like to draw the attention of the Applicant to the above rejection of claim 1. Pointing out the use of the term “priority”. The definition of priority is the precedence in receiving the attention of microprocessor and the use of system resources. Within a computer, unseen and unnoticed levels of priority are the means by which many different types of potential clashes and disruptions are avoided. Similarly, tasks running on a computer can be assigned priorities that determine when and for how long they receive time from the microprocessor. Therefore, if a task, (for example, TA), has higher priority then another task, (TB), then TA has precedence over TB. This would mean that the system needs TA sooner, (i.e. “eagerly”), then TB therefore, TA would be executed first. Furthermore, Hoenninger (6260058) column 2, lines 32 – 58 with special attention to lines 43 – 46 stating the term “urgency” with regards to tasks being scheduled. This can also be found in column 5, line 50 – column 6, line 10.

13. In the remarks, Applicant argues that Hoenninger does not disclose the state of a task is used to determine whether a task is eligible for eager execution.

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14. As to part 2, Examiner would like to draw the attention of the Applicant to the rejection as stated above and to further point out that Hoenninger disclose in column 11, lines 7 – 24 assigning priority numbers to tasks and determining which tasks have the highest priority number to be executed first.

15. In the remarks, Applicant states that it is unclear as to whether any task or subtask in Hoenninger is “a side-effect action” performed external to a workflow system. Applicant also states that that Hoenninger does not disclose the limitation of “determining whether a task is eligible for eager execution by considering at least ... whether execution of the task results in the initiation of a side-effect action,” as claimed by Applicants in amended independent claim 1 and 12.

16. As to part 3, the Examiner would like to draw the attention of the Applicant to Hoenninger column 5, line 50 – column 6, line 10. In this, Hoenninger discloses, “There are also program parts that are to be processed only within a certain operating mode or as a reaction to an external or internal event such as the program start, program, full-load operation, idling operation, warm-up operation, etc. If the Applicant reads further into the rest of the disclosed information stated it would also show that there are other accounts of side-effect actions performed external to a workflow system.

17. In the remarks, Applicant argues that Hoenninger in combination with Codd et al. U.S. Patent number 6421667, (hereinafter Codd), does not teach the limitation disclosed in claims 6 and 17.

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18. As to part 4, the Examiner would like to draw the attention of the Applicant to the rejection stated above under 35 U.S.C. 112 and the previous office action rejection for claims 6 and 17. In the previous office action the rejection stands as understood by the Examiner and rejected as stated above.

*Conclusion*

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are none for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England  
Examiner  
Art Unit 2143

De   
March 12, 2003

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**